

**REPORT - PLANNING COMMISSION MEETING**  
**August 28, 2003**

**Project Name and Number:** Curtner Estates (PLN2003-00312)

**Applicant:** Sylvia Leung, Doug Sing USA, Inc.

**Proposal:** To consider an extension in time of one year for Tentative Tract Map 7319.

**Recommended Action:** Approve, based on Findings and subject to Conditions.

**Location:** 45588 & 47588 Wabana Common.

**Assessor Parcel Number(s):** 519-1198-046-00

**Area:** 1.72 acres; six lots ranging from 6,358 to 8,003 square feet, one 17,475 square foot lot for the historic Henry Curtner house, and one common parcel.

**Owner:** Raymond and Sylvia Leung

**Consultant(s):** Jim McLane, Jim McLane & Associates

**Environmental Review:** A Mitigated Negative Declaration was approved on October 24, 2000 for this project

**Existing General Plan:** RL(4-6), Low-Density Residential (4-6 dwelling units per acre), Primary Historic Resource

**Existing Zoning:** P-2000-306, Planned District

**Existing Land Use:** Vacant land, 2 single-family detached houses

**Public Hearing Notice:** Public hearing notification is applicable. A total of 77 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Cholla Street, Corbel Commons, Gable Commons, Gable Drive, Lippert Avenue, Mantis Street, Papago Street, Towhee Court, Wabana Commons, and Zunic Drive. The notices to owners and occupants were mailed on August 15, 2003. A Public Hearing Notice was delivered to The Argus on August 11, 2003, to be published by August 14, 2003.

**Executive Summary:** The applicant is requesting an extension to a Tentative Tract Map, which was originally approved by Planning Commission in July 2001. The proposed development consists of six new lots ranging in size from 6,358 to 8,003 square feet with a larger 17,475 square foot parcel for the retention of the historic Henry Curtner house located on Wabana Common in the Warm Springs Planning Area. In order to comply with the conditions of approval and to address requirements of the California Department of Fish & Game, Alameda County Flood Control and City of Fremont, the applicant has requested a one-year time extension to the Tentative Tract Map.

**Background and Previous Actions:** The 1.72 acre site is currently occupied by an Italianate style single-family residence, the Henry Curtner Mansion, circa 1879. The property is identified as a Primary Historic Resource in the City's General Plan and the historic assessment of the site, prepared by Carey & Company in 2000, concluded that the house appears eligible for individual listing in the National Register. On October 24, 2000, the City Council approved a Preliminary and Precise Planned District (P-2000-306) with six single-family detached residential units and retention of one existing detached single-family residential unit for a total of seven residential units. Tentative Tract Map 7319 was approved by the Planning Commission on July 12, 2001.

**Project Description:** The applicant is requesting a one-year time extension to the Tentative Tract Map 7319. This is the applicant's first request for an extension. As noted earlier in the report, the applicant has advised staff that the extension is being requested due to additional time required to address the issues and fulfill the conditions related to California Department of Fish & Game, Alameda County Flood Control and City of Fremont. The City Council has not approved a Final Map for the site because the applicant has not proceeded with the recordation phase of the Final Tract Map.

**Time Extension of an Approved Map:** As set forth in Title VIII, Chapter 2, Section 8-1409 of the Fremont Municipal Code, an approved or conditionally approved tentative map expires 24 months after its conditional approval. Additionally, if the application of the subdivider is filed prior to the expiration of the approved or conditionally approved tentative map expiration, the Planning Commission may approve or conditionally approve the one-year extension. This application represents the first request to the City for a one-year extension in time for Tentative Tract Map 7319. Section 8-1409(b) of the Fremont Municipal Code allows three one-year extension requests, however, Chapter 3, Section 66452.6(e) of the Subdivision Map Act preempts the City ordinance to allow five one-year extensions. The Planning Commission may approve up to five such one-year extensions.

**Project Analysis:** The project remains consistent with the General Plan Amendment (PLN2000-00306) and Planned District (P-2000-306) previously approved by the City Council. No modifications to the Conditions of Approval for the Planned District (P-2000-306) and Tract 7319 (PLN2001-00226) are being proposed. The project shall conform to Exhibit "B" [Original Conditions of Approval of Tract 7319 (PLN2001-00226)] and Exhibit "C" [Original Conditions of Approval of Planned District (P-2000-306).]

**Environmental Analysis:** A Mitigated Negative Declaration was approved by City Council on October 24, 2000.

**Enclosures:** Exhibit "A" Tentative Tract Map 7319  
Exhibit "B" Original Conditions of Approval of Tract 7319 (PLN2001-00226)  
Exhibit "C" Original Conditions of Approval of Planned District (P-2000-306)  
Extension Request Letter (Informational)

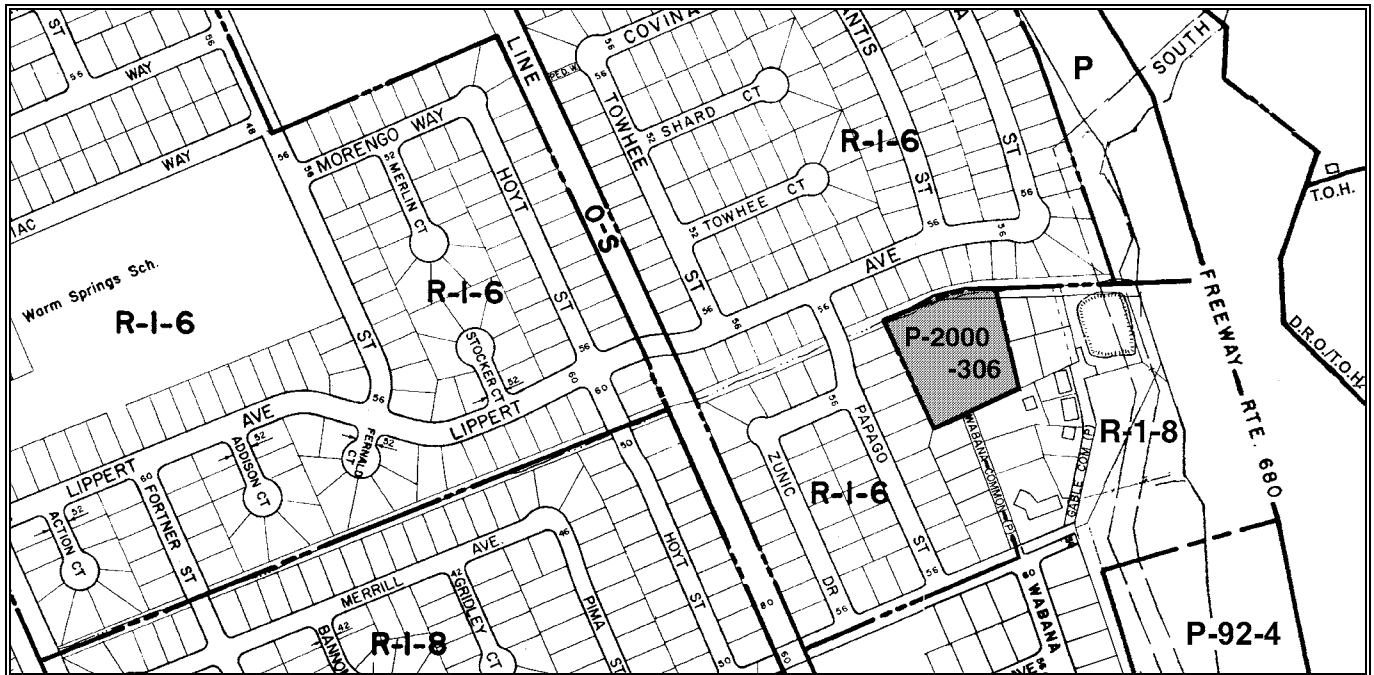
**Exhibits:** Exhibit "A" Tentative Tract Map 7319  
Exhibit "B" Original Conditions of Approval of Tract 7319 (PLN2001-00226)  
Exhibit "C" Original Conditions of Approval of Planned District (P-2000-306)

**Recommended Actions:**

1. Hold public hearing.
2. Approve the one-year extension to July 12, 2004 for Tentative Tract Map 7319 as shown on Exhibit "A" (Tentative Tract Map 7319) based upon all previous findings and subject to all original conditions on Exhibit "B".

## Existing Zoning

Shaded Area represents the Project Site



## Existing General Plan

